

REMARKS

In the Office Action dated June 18, 2009, the Examiner objected to the disclosure because of informalities; rejected claims 1, 3-6, 10-11, 15, 21-23, 25-26, and 29-30 under 35 U.S.C. §102(b) as being anticipated by *Galloway* (U.S. Patent 4,626,237); rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over *Galloway*; rejected claims 2 and 9 under 35 U.S.C. 103(a) as being unpatentable over *Galloway* and further in view of *Collier* (U.S. patent 6,346,069); rejected claims 24 and 27-28 under 35 U.S.C. 103(a) as being unpatentable over *Galloway* and further in view of *Pokladnik* (U.S. patent 4,438,817); rejected claims 31-34 under 35 U.S.C. 103(a) as being unpatentable over *Robertson* (U.S. Patent 5,248,421) and further in view of *Ditria* (U.S. Patent 6,197,095).

The Examiner objected to paragraph 0005 because it references claim 1. This paragraph has been amended by substituting original claim 1 for the reference to claim 1 in paragraph 0005. This amendment overcomes the Examiner's objection and does not add new matter.

Claims 1, 3-6, 10-11, 15, 21-23, 25-26, and 29-30 are rejected under 35 U.S.C. §102(b) as being anticipated by *Galloway*. Claims 3-6, 10-11, 15, 21-23, 25-26, and 29-30 are dependent from claim 1. Claim 1 has been amended to distinguish *Galloway*. *Galloway* does not teach the discharge of fluid adjacent the inner wall of the container so as to cause the application of a centrifugal or centripetal force on the fluid. In particular, *Galloway* does not rely upon the discharge lines for the application of a centrifugal force but instead rotates (spins) inner and outer rotors whose inner walls create a centrifugal force on the well fluids causing them to flow in accordance with their density.

Claims 3-6, 10-11, 15, 21-23, 25-26, and 29-30 are dependent from claim 1 and therefore are allowable for the reasons given with respect to claim 1. Further with respect to claim 3, as amended, *Galloway* does not teach a discharge line that extends around a vertical pipe. Further with respect to claim 4, the scoops of *Galloway* do not terminate within center post 25. Further with respect to claim 5, *Galloway* does not teach fluid feed lines extending to each of the pipe sections of a vertical pipe. Center post 25 of *Galloway* is not divided into a plurality of pipe sections and the lines extending within center post 25 are outlet lines 46-49. Further with respect to claim 6, *Galloway* does not teach openings in the vertical pipe in the region of each of the pipe

sections. The only arguable openings in center post 25 are the feed nozzles 51 which only open into the upper chamber 40 of inner rotor. Further with respect to claim 10, *Galloway* does not teach a discharge line in the classifier device in the lower section of the container where the discharge line has a number of openings. The discharge lines of 46-49 of *Galloway* are located outside the vessel 14 and do not have a number of openings. Further with respect to claim 11, this claim is allowable for the reason stated with respect to claim 3 and further, does not teach blade segments. The stationary bars 73 are not blade segments. Further with respect to claim 15, claim 15 is allowable for the reason stated with respect to claim 3. Further, claim 15 is allowable because *Galloway* does not teach a bottom plate within the vertical pipe. Further with respect to claim 21, claim 21 is allowable for the reasons expressed with respect to claims 3 and 5. Also, *Galloway* does not teach level sensors. Further with respect to claim 22, claim 22 is allowable for the reasons expressed with respect to claim 3. Further, claim 22 is allowable since *Galloway* does not disclose a sensor device disposed in the upper end of the vertical pipe. Further with respect to claim 23, *Galloway* teaches a valve to control the feed-stream flow rate and does not teach a feedback line disposed between the separation device and well. Further with respect to claim 25, as amended, *Galloway* does not teach a frame structure for mounting the components on the separation device subsea. Further with respect to claim 26, *Galloway* does not teach an electrical supply and control unit positioned subsea. *Galloway* is a land based system. Further with respect to claim 29, the housing shown in Figure 7 is not conical shaped. Further with respect to claim 30, *Galloway* does not teach a container that is of modular construction.

Claim 16 is rejected as being unpatentable over *Galloway*. Claim 16 is allowable as being dependent upon allowable claims 1 and 3. Further, *Galloway* does not teach a rotary slide valve which allows the amount of fluid constituents passing via the delivery lines to be varied.

Claims 2 and 9 are rejected as being unpatentable over *Galloway* in view of *Collier*. Claims 2 and 9 are dependent from claim 1 and are allowable for the reasons given with respect to claim 1. In addition, claim 9 is dependent upon claim 3 and is allowable for the reasons given with respect to claim 3. Further, with respect to claim 2, *Galloway* does not teach spirally shaped discharge lines. Further, with respect to claim 9, *Galloway* does not teach spiral or radially shaped discharge lines. The hoses 76, 78 of Figure 2 of *Collier* are underflow and overflow outlet lines.

Claims 24 and 27-28 are rejected as being unpatentable over *Galloway* and further in view of *Pokladnik*. Claims 24 and 27-28 are dependent from claim 1 and are allowable for the reasons given with respect to claim 1. Further with respect to claim 24, the Examiner has not provided any reasons why one skilled in the art would be able to dispose the apparatus of *Galloway* subsea. Thus, it would not be obvious to combine the teachings of *Galloway* and *Pokladnik* to teach the claimed invention. Further with respect to claims 27 and 28, the cited prior art does not teach the claimed changeover valve of claim 27 or the bypass pipeline of claim 28.

Claims 31-34 are rejected as being unpatentable over *Robertson* in view of *Ditria*. Claim 31, as amended, distinguishes *Robertson*. *Robertson* teaches a series of progressively decreasing cross-sectional spiral tubes with each tube having an outlet for the removal of the heavier particles that have been separated in a particular spiral tube. Claim 31, as amended, is distinguishable because *Robertson* does not teach having the well fluids exit the spiral tubes and into the container and then separating the constituents in the container rather than within the series of spiral tubes as taught by *Robertson*.

Claims 32-34 are allowable as being dependent upon claim 31. Further with respect to claim 32, it would not be obvious to combine *Robertson* with *Ditria* since *Robertson* does not teach that its fluid separator may be operated under water. Further with respect to claim 33, although *Ditria* teaches the reinjection of water at column 9, lines 23-27, *Ditria* does not teach a reinjection tree communicating with the discharge pipes as set forth in claim 31. Further with respect to claim 34, claim 34 is allowable for the reasons given with respect to claim 16.

Applicant voluntarily cancelled claims 7-8, 12-14, 17-20 and 35 in a Preliminary Amendment dated October 29, 2007 in order to comply with new rules being promulgated by the PTO governing claims and continuing applications. Among those new rules was 37 C.F.R. § 1.75(b) requiring that an application for an invention be limited to five independent claims and 25 total claims. Applicant requested a refund under 37 C.F.R. § 1.117 due to the original cancellation of these claims and reserved the right to resubmit any one or more of the cancelled claims in the present application. According to Applicant's records, the PTO did not grant Applicant a refund and therefore Applicant is resubmitting these claims for consideration.

CONCLUSIONS

During the course of these remarks, Applicant may have at times referred to particular limitations of the claims that are not shown in the applied prior art. This short-hand approach to discussing the claims should not be construed to mean that the other claimed limitations are not part of the claimed invention. They are as required by law. Consequently, when interpreting the claims, each of the claims should be construed as a whole, and patentability determined in light of this required claim construction. Applicant reserves the right to submit the original claims or any cancelled rejected claims in a continuing application and prosecute those original claims fully without regard to any amendments made to those claims in the present application. Applicant does not give up any scope of the original claims due to the claims amendments or cancellations in the present application.

If the Examiner has any questions or comments regarding this communication, he is invited to contact the undersigned to expedite the resolution of this application.

If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore. If any fee is due for such a petition or should any additional fees be required with respect to this application, the Commissioner is authorized to charge such fees to Deposit Account Number 03-0335.

Respectfully submitted,

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